

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

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OTONIEL SOSA TEOBA, individually and  
on behalf of others similarly  
situated, FRANCISCO NOEL FERNANDEZ,  
JESUS CAMORA VICTORIA, LUIS ALBERTO  
GOMEZ DELGADO, JUAN LUIS GOMEZ,  
ALEJANDRO TIBURCIO MALDONADO,  
ALEJANDRO RODERIGUEZ RASCON, GABRID  
MORALES CONTRETAS, FERNANDO FERNANDEZ  
HERNANDEZ, LUIS GABRIEL HERNAND CRUZ,  
RAFAEL OLMOS SANCHEZ, BERTIN MORALES  
and CARLOS MUNUZ,

ORDER  
10-CV-6132

Plaintiff(s),

v.

TRUGREEN LANDCARE, L.L.C.,

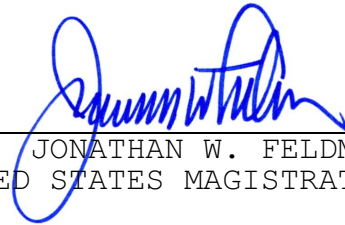
Defendant(s).

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On August 11, 2011, the Court granted plaintiffs' Motion to Approve Notice to Class and Method of Distribution (Docket # 51) "subject to the Court's review of both the proposed notice and the method of distribution." See Order dated August 11, 2011 (Docket # 73). The Court advised that the notice approved for distribution in Rivera v. Brickman Grp., Ltd., No. 05-1518, 2008 WL 81570 (E.D. Pa. Jan. 7, 2008) "will be the template for the Notice and method of distribution in this case." By letter dated August 30, 2011, plaintiffs' counsel, Edward Tuddenham, Esq., informed the Court that despite the parties' attempts to negotiate an agreed FLSA Notice and order governing the distribution of the Notice, the parties have been unsuccessful in agreeing upon a proposed Notice and method of distribution. Plaintiffs and defendant have both

submitted proposed Notices and methods of distribution for the Court to review. The Court, having reviewed the parties' proposed Notices and methods of distribution, hereby Orders that plaintiffs' proposed Notice and method of distribution, which is modeled on Rivera v. Brickman Grp., Ltd., 2008 WL 81570, shall be the Notice and method of distribution used in this case.

**SO ORDERED.**



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JONATHAN W. FELDMAN  
UNITED STATES MAGISTRATE JUDGE

Dated: September 30, 2011  
Rochester, New York